

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

4:12CR3003

vs.

MELISSA S. ORMONDE,

Defendant.

PRELIMINARY ORDER OF
FORFEITURE

This matter is before the Court on the plaintiff's Motion for Issuance of Preliminary Order of Forfeiture (filing [27](#)).

The indictment in this case (filing [1](#)) charged the defendant with 10 counts of wire fraud, in violation of [18 U.S.C. § 1343](#), and contained a forfeiture allegation seeking forfeiture of "any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts 1 and 10 of this Indictment, including but not limited to the following: a 2006 Ford Freestyle, VIN #lFMDK06186GA39555." The defendant agreed to plead guilty to Count 10 of the indictment, and the forfeiture allegation. See filing [21](#). The defendant entered such a plea, see filing [26](#), the Magistrate Judge recommended that the Court accept the plea, see filing [22](#), and the Court has done so in an accompanying Memorandum and Order.

The plaintiff's motion for issuance of a preliminary order of forfeiture only seeks forfeiture of the vehicle identified in the indictment. By virtue of the defendant's guilty plea, and the factual basis for that plea, the plaintiff has established the requisite nexus between the property and the offense. See [Fed. R. Crim. P. 32.2\(b\)\(1\)](#). Therefore, the Court finds that the vehicle is subject to forfeiture pursuant to [21 U.S.C. § 853](#), and that the plaintiff's motion for a preliminary order of forfeiture (filing [27](#)) should be granted.

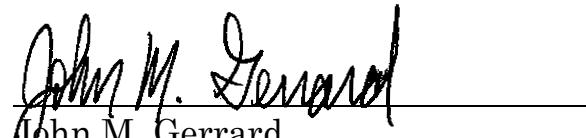
IT IS ORDERED:

1. The plaintiff's Motion for Issuance of Preliminary Order of Forfeiture (filing [27](#)) is granted.
2. The plaintiff is authorized to seize the 2006 Ford Freestyle, VIN #lFMDK06186GA39555, identified in the indictment.

3. The defendant's interest in the aforementioned property is forfeited to the plaintiff for disposition in accordance with the law, subject to the provisions of [21 U.S.C. § 853\(n\)](#).
4. The property is to be held by the plaintiff in its secure custody and control.
5. Pursuant to [21 U.S.C. § 853\(n\)\(1\)](#), the plaintiff shall publish for at least 30 consecutive days on an official internet government forfeiture site (www.forfeiture.gov) notice of this order, notice of publication evidencing the plaintiff's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the subject property must file a petition with the Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. Such notice shall state that the petition referred to in paragraph 5 shall be set for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property and any additional facts supporting the petitioner's claim and the relief sought.
7. The plaintiff may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property, as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, the Court will enter a final order of forfeiture pursuant to [21 U.S.C. § 853\(n\)](#) and [Fed. R. Crim. P. 32.2](#), in which all interests will be addressed.

Dated this 11th day of June, 2012.

BY THE COURT:



John M. Gerrard
United States District Judge